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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,914	10/19/2001	Todd Allen Link	15892-US	8531
7590 03/08/2006			EXAMINER	
Brian H. Buck c/o Deere & Company One John Deere Place Moline, IL 61265-8098			LOPEZ, FRANK D	
			ART UNIT	PAPER NUMBER
			3745	

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

88

Office Action Summary	Application No.		Applicant(s)	
	09/982,914		LINK ET AL.	
	Examiner		Art Unit	
	F. Daniel Lopez		3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on December 7, 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 8, 9, 12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 7, 2005 has been entered.

Response to Amendment

Applicant's arguments filed December 7, 2005, have been fully considered but they are not deemed to be persuasive.

Applicant's arguments with respect to claims 8, 9, 12 and 13 have been considered but are deemed to be moot in view of the new grounds of rejection.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

Claims 8, 9, 12 and 13 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 8 line 6-7 and 16-17 "a first (second) pilot operated directional control valves that opens in response to the first pilot signal" and line 11-12 and 21-22 "the first (second) pilot operated directional control valves to close"; and claim 12 line 11 "the pilot operated control valves opening" is confusing, since the first and second directional control valves (e.g. 42) are not simple open-close valves. Rather the first and second directional control valves have two positions, wherein in each position, the valve connects at least two ports together.

Claims not specifically mentioned are indefinite, since they depend from one of the above claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12 and 13, inasmuch as they are definite, are rejected under 35 U.S.C. § 102(b) as being anticipated by Applicant's admitted prior art (See discussion below). The limitation "providing a pilot signal if the motor is in the operating position" (claim 12 line 5-6), in conjunction with "comprising" (claim 12 line 3) is met by Applicant's admitted prior art, since the pilot signal (e.g. of 82) is provided, when the motor is in the operating position (and the operator switch is on). Note that there is no limitation indicating that the position of the motor is the only condition affecting the status of the pilot signal, and no limitation concerning the status of the pilot signal when the motor is not in the operating position.

Claim Rejections - 35 USC § 103

Claims 8 and 9, inasmuch as they are definite, are rejected under 35 U.S.C. § 103 as being unpatentable over Applicant's admitted prior art in view of Truax. Applicant's admitted prior art (fig 4) discloses a hydraulic system for a lawn mower having a first center deck and second and third side decks, each associated with a respective first (64), second (66) and third (68) motor connected in series, comprising a first (82) and second solenoid operated directional control valves provide first and second pilot signals, respectively, to first (74, 80) and second (including 76) pilot operated directional control valves, which allows flow to the respective second and third motors in the presence of a respective pilot pressure and preventing flow in the absence of the pilot signal; but does not disclose that the respective pilot signal is provided when the respective motor is moved to an operating position, thereby allowing flow to the motor and that the respective pilot signal is ended when the respective motor is moved to a non-operating position, thereby preventing flow to the motor.

Art Unit: 3745

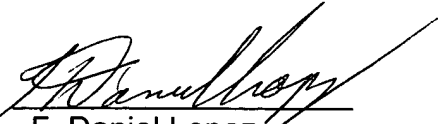
Truax teaches, for a hydraulic system for a lawn mower having a side deck (9) associated with a motor (16); wherein a directional control valve (102) allows flow to the motor in the presence of a signal (via 103) and prevents flow in the absence of the signal; that the signal is provided and flow to the motor is allowed, when the respective motor is moved to an operating position; and that the signal is ended and the flow to the motor is prevented when the respective motor is moved to a non-operating position, for the purpose of having a safety feature, preventing operation of the motor when the deck is above a certain position (e.g. column 4 line 64 – column 5 line 3).

Since Applicant's admitted prior art and Truax are both from the same field of endeavor, the purpose disclosed by Truax would have been recognized in the pertinent art of Applicant's admitted prior art. It would have been obvious at the time the invention was made to one having ordinary skill in the art to provide the respective pilot signal, thereby allowing flow to the respective motor of Applicant's admitted prior art, when the respective motor is moved to an operating position; and end the respective pilot signal thereby preventing flow to the respective motor, when the respective motor is moved to a non-operating position, as taught by Truax, for the purpose of having a safety feature, preventing operation of the motor when the deck is above a certain position

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Lopez whose telephone number is 571-272-4821. The examiner can normally be reached on Monday-Thursday from 6:15 AM -3:45 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Look, can be reached on 571-272-4820. The fax number for this group is 571-273-8300. Any inquiry of a general nature should be directed to the Help Desk, whose telephone number is 1-800-PTO-9199.



F. Daniel Lopez
Primary Examiner
Art Unit 3745
March 6, 2006